

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ABERDEEN CITY COUNCIL AS	:	Miscellaneous Civil Action No. 1:23-mc-
ADMINISTRATING AUTHORITY FOR	:	00070-LAK
THE NORTH EAST SCOTLAND PENSION	:	
FUND,	:	PLAINTIFF’S MOTION TO SEAL
	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
BLOOMBERG L.P.,	:	
	:	
	:	
Defendant.	:	
	:	
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<i>(In re Under Armour Securities Litigation,</i>	X	
<i>Pending in the United States District Court,</i>	:	
<i>District of Maryland, Civil No. RDB-17-388)</i>	:	
	:	
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Pursuant to the Court’s Individual Rules of Practice, Standing Order 19-mc-00583, and ECF Rules & Instructions §6, Plaintiff Aberdeen City Council as Administrating Authority for the North East Scotland Pension Fund (“Plaintiff”) hereby seeks leave to file under seal its unredacted Memorandum of Points and Authorities in Support of Plaintiff’s Motion to Compel Bloomberg L.P. to Produce Documents Responsive to Plaintiff’s Subpoena, Declaration of Michael G. Capeci in Support of Plaintiff’s Motion to Compel Bloomberg L.P. to Produce Documents Responsive to Plaintiff’s Subpoena, and accompanying Exhibits 3, 6-10, 12, and 14-37 inclusive (collectively “Filing”). In support of this Motion to Seal, Plaintiff states as follows:

1. Plaintiff’s Filing includes information that has been designated confidential by Under Armour, Inc. (“Under Armour”) and Kevin A. Plank (“Plank”) – defendants in the Underlying Action, *In re Under Armour Sec. Litig.*, No. RDB-17-388 (D. Md.) – under the Joint Stipulation and Protective Order entered by Judge Bennett in that Action on July 7, 2021.¹

2. Pursuant to the procedures outlined in the Protective Order, Plaintiff requested that Under Armour and Plank de-designate the documents referenced in the Filing, or that they allow the documents to be filed under seal and served on Bloomberg L.P. (“Defendant”) upon Defendant’s execution of Attachment A to the Protective Order, for the purpose of this Motion to Compel.² Under Armour and Plank chose the latter option, necessitating the instant Motion.³

3. In seeking to file under seal, Plaintiff does not concede that Under Armour and Plank’s designations are appropriate and reserves all rights to challenge the designations. Pursuant

¹ Ex. A (“Protective Order”). All exhibits referenced herein are attached to the Declaration of Michael G. Capeci in Support of Motion to Seal, filed concurrently herewith.

² Ex. B.

³ *Id.*

to the Court's Individual Rules of Practice, Plaintiff has notified Under Armour and Plank that they must file, within three days, a letter explaining the need to seal or redact the materials designated confidential.

For the reasons provided above, and in accordance with the Court's Individual Rules of Practice, Standing Order 19-mc-00583, and ECF Rules & Instructions §6, Plaintiff respectfully requests that the Court enter an Order granting Plaintiff leave to file its unredacted Filing under seal consistent with the Protective Order, and granting any further relief the Court deems proper and just.

DATED: March 16, 2023

Respectfully submitted,

ROBBINS GELLER RUDMAN
& DOWD LLP
MICHAEL G. CAPECI (MC-0617/NY)

s/ MICHAEL G. CAPECI
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Lead Counsel for Plaintiff

DECLARATION OF SERVICE BY EMAIL

I, T. Alex B. Folkerth, not a party to the within action, hereby declare that on March 16, 2023, I served the attached document on the parties in the within action by email addressed as follows:

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I declare under penalty of perjury that the foregoing is true and correct. Executed on March 16, 2023, at San Diego, California.

s/ T. Alex B. Folkerth

T. ALEX B. FOLKERTH